



Dear House Members,

We are writing this letter as members of the Black Caucus of the Young Democrats of Massachusetts. As a Caucus, we advocate for Black people across the Commonwealth, and are deeply concerned that efforts to actualize the phrase #BlackLivesMatter in the Legislature are failing in two ways. In the short term, S.2800 will not help the communities it is intended to serve if measures are not taken to modify it, and in the long term, if a commitment to a community led process is ignored and disrespected, we will continue to fail at showing that #BlackLivesMatter. The members of the Black Caucus of the Young Democrats of Massachusetts are torn on issues with the process of building this bill without community input and the narrow scope of its focus, **but** we agree the House should follow the leadership of overpoliced communities, victims of police & corrections abuse, and formerly and currently incarcerated people, **and should modify S.2800 to achieve the following goals:**

- Abolish Qualified Immunity
- **Ban Chokeholds** (no exceptions for intent) [Senate amendment 58], require decertification, termination of officers
- **Ban Tear Gas** [original draft of Senate amendment 65], destroy existing supply
- Include corrections officers in the definition of law enforcement, and subject them to the same standards of licensure and all restrictions on use of force
- Remove the position of Sheriff from the “community policing and behavioral health advisory council” [Remove Senate Amendment 40]
- Prevent law enforcement from unilaterally suspending the decertification process for up to 1 year and restore the standard determining a loss of license to the “preponderance of the evidence” [Remove Senate Amendment 54]
- Require data transparency in juvenile justice [Include Senate Amendment 3]
- Decriminalize homelessness [Include Senate Amendment 10] [incorporate text of SB.2735, S.2717, S.2576, +\$50M to line item 7004-9316]

- Raise the Age of Juvenile Jurisdiction and stop automatic prosecution of teenagers as adults [Include Amendment 17]
- End pretextual stops [Include Senate Amendment 31]
- Compensate wrongly convicted individuals [Include Senate Amendment 37]
- Permanently ban face surveillance [Include Senate Amendment 64] and bar RMV from using the technology
- Remove the \$10M cap from the justice reinvestment fund and expand participation from community organizations [Include Senate Amendments 81, 84, 95]
- Limit long-term suspension and expulsion [Include Senate Amendment 93]
- **Ban No-Knock Warrants** [Include Senate Amendment 119] with no exceptions
- Require decertification result in ineligibility for rehires, transfers, or pensions
- Abolish the gang database
- Expungement of all juvenile records and cannabis offenses
- No new police funding
- Incorporate the text of H. 4652 (the Decarceration Bill)
- Incorporate the text of S.1372 (No Cost Phone Calls)
- Incorporate the text of S.1379/H.2047 (Strengthen Visitation)
- Incorporate the text of H.4607 (An Act Relative to Parole)
- Incorporate the text of S.2641 (Driver's Licenses for All)
- Incorporate the text of HD.5166 (Emergency Housing Stability Bill)
- **All Four State-Level Points of MA BLLC Plan**
 - Resolve to provide for a "Special Commission on Peace Officer Standards and Training" to study and make recommendations concerning the implementation of a Peace Officers Standards and Training (POST) system. (H2146 written by Reps Holmes and Vieira was hyper boosted from a Commission to an actual POST bill, initially filed by the Governor and passed by the Senate. The original Senate bill has some better language, for example around NOT paying police bonuses for taking trainings. However, the amendment 54 was EXTREMELY PROBLEMATIC in that it raises the bar for the standard determining a loss of licence from "preponderance of the evidence" to "clear and convincing.")
 - Civil Service Exam Review and Oversight: An Act to Reform Civil Service Exams, H2292 Rep Holmes bill, sent to study, should be converted to a Commission.
 - Commission on Structural Racism: An Act establishing a special commission on structural racism, H1440, Holmes; Collaboratively redrafted by Nika Elugardo in conjunction with incarcerated family, advocate, and administration representatives. Passed as Amendment #16 in S.2028
 - Adopt clear statutory limits on police use of force, including choke-holds and other tactics known to have deadly consequences. Require independent investigation of officer-related deaths. Require data collection and reporting on race, regarding all arrests and police use of force by every department. Rep Miranda's bill.

(We note that the text of withdrawn Senate amendments is available on request, though it does not live on the public site.)

The Black Caucus of the Young Democrats would further note the circumstances of this bill: amidst the Coronavirus pandemic, there is a pandemic of racial injustice. Before the pandemic, according to a Boston Globe survey of a number of cities in the Greater Boston region, the household median net worth was \$247,500 for whites and \$8 for US Blacks. According to the Prison Policy Initiative, Black people make up 10% of the Commonwealth's population but 26% of its prison population. Combined, Black and Latino people make up 17% of the population but 50% of the Commonwealth's incarcerated population! We are also disproportionately impacted by COVID-19. Communities have asked for the speedy release of those held in prisons, with little success. People who should have their input on this legislation are locked in cages because the legislature failed to release enough people from prisons and jails to allow for social distancing; some have died. Those who are surviving, thus far, are in an economically precarious state due to inadequate federal, state, and local assistance and cannot keep informed on rapid legislative developments that involve no proactive community outreach. This legislation is being undermined by compounding governance failures.

These issues are deeply meaningful to us as a Black Caucus, as members of our Caucus leadership have personally been harmed by our Commonwealth's policing and prison policies, from being the victims of racial profiling (aka pretextual stops), to being tear gassed for peacefully protesting racial injustice. We will not stop advocating for justice and to make sure our Commonwealth's laws and practices reflect that statement #BlackLivesMatter.

As a caucus, we would further advise against the continued lack of respect given to the genius policy solutions of organizations led by or serving impacted people - including Families for Justice As Healing and Black & Pink Boston - represented by a failure of the Legislature to have a policy-making process driven and informed by those residents closest to the pain of our current criminal legal system. We would like to quote the People Not Prisons Coalition's remarks on the Senate bill:

If the Massachusetts legislature were serious about protecting Black lives and addressing systemic racism, this bill would eliminate cornerstones of racist policing including implementing a ban without exceptions on pretextual traffic stops and street stops and frisks. The legislature should decriminalize driving offenses which are a major gateway into the criminal legal system for Black and Brown people and poor and working class people. Rather than limiting legislation to moderate reforms and data collection, the legislature should shut down fusion centers, erase gang databases, and permanently ban facial surveillance by all state agencies including the RMV. [We] also support student-led efforts to remove police from schools.

S.2820 will cause more harm than good by increasing spending on law

enforcement through training and training commissions, expanding the power of law enforcement officials to oversee law enforcement agencies, and making no fundamental changes to the function and operation of policing in the Commonwealth. Real change requires that we shrink the power and responsibilities of law enforcement and shift resources from policing into most-impacted communities.

The way forward is to shrink the role and powers of police, fund Black and Brown communities, and defund the systems of harm and punishment which have failed to bring people of color safety and wellbeing. S.2820 does not help us get there.

Please do not let this session end without passing legislation that addresses the harm caused by incarceration and separating families who are disproportionately Black and Brown.

We need to release people from jails and prisons who are most vulnerable to COVID-19 by passing H.4652;

provide no cost calls to incarcerated people by passing S.1372;

strengthen visitation to our incarcerated community by passing S.1379/H.2047;

and make sure the parole board has members with social work and mental health backgrounds by passing S.4607.

[We] also support a harm reduction approach to substance use rather than more criminalization and punishment. Please pass S.2717 to establish safe consumption sites in the Commonwealth.

We also need to increase access to driver's licenses in Massachusetts to prevent people from coming into contact with law enforcement, so please pass S.2641.

Black and Brown communities in the Commonwealth have been hit hardest by COVID19 and we need real protections to keep people in their homes. Please pass HD.5166 to prevent mass evictions.

In the coming budget negotiations, please focus on shifting resources away from policing and incarceration and into Black and Brown communities.

We thank you for your consideration and encourage you to be deliberate in your proactive outreach to incarcerated people, formerly incarcerated people, and those in overpoliced communities as you draft this and subsequent legislation.

Signed

Armani White
Black Caucus Chair
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A handwritten signature in black ink, appearing to be 'Armani White', with a stylized, cursive script.

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